

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOUIS JUERS,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: April 11, 2011

Plaintiff,

- against -

NEW YORK STATE VETERANS HOME AT
ST. ALBANS,

Defendant.

08 Civ. 7634 (PAC) (KNF)

ORDER

X

HONORABLE PAUL A. CROTTY, United States District Judge:

On August 29, 2008, pro se Plaintiff Louis Juers (“Juers”) commenced this employment discrimination action under Title VII of the Civil Rights Act of 1964 (“Title VII”) against his former employer, the New York State Veterans Home at St. Albans (“Veterans Home”). Juers alleges discrimination based on race by failure to promote, harassment, and retaliation. The Court referred general pretrial matters and dispositive motions in the case to Magistrate Judge Kevin Nathaniel Fox on October 24, 2008. (Dkt. 6.) Juers has repeatedly asserted that, having been denied Court appointment of counsel, he no longer wishes to prosecute the case. Accordingly, on October 29, 2009, Magistrate Judge Fox issued a Report and Recommendation (“R&R”), recommending that the Court dismiss the case under Fed. R. Civ. P. 41(b) for failure to prosecute. The R&R provided ten days for written objections, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).¹ No objections have been filed.

In reviewing a Report and Recommendation, a Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where no timely objections have been made, a district court need only review for

¹ The provisions have since been amended to allow fourteen days to file objections.

"clear error" to accept a report and recommendation. Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Finding no clear error, the Court adopts the R&R in full and dismisses Juers's claims against Veterans Home. The Clerk of Court is directed to terminate this case. Pursuant to 28 U.S.C § 1915(a), any appeal from this order would not be taken in good faith.

Dated: New York, New York
April 11, 2011

SO ORDERED



PAUL A. CROTTY
United States District Judge

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